

Public's Right to Know/Freedom of Information

The following procedure applies to requests by members of the public, including parents, community members, media organizations and other third parties, for inspection of public records maintained by the district. A person who has the right to inspect a public record also has the right to request to be furnished a copy of the record.

Process for requesting records

1. All requests for public record(s) maintained by the district shall be specific enough to allow the district to efficiently identify the requested record and respond to the request. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, the district may require that the request be made in writing.
2. If the requested public record is in active use, in storage, or otherwise not readily available at the time of the person's request, the person requesting the record shall be informed of that fact. The custodian of records will then make the record available within a reasonable time of the person's request.

A reasonable time shall not exceed three (3) working days, but may be extended by an additional seven (7) working days if certain extenuating circumstances exist, in accordance with state law.

3. If the person seeking the record requests transmission of the record, the custodian of records shall notify the person once the record is available that it will only be transmitted when the custodian receives payment or makes arrangements for receiving payment for all costs associated with the record transmission and for all other fees lawfully allowed, unless the custodian waives all or any portion of such costs or fees.

Upon receipt of payment of any applicable copy costs, mailing costs, and/or other fees or upon making payment arrangements with the person requesting the record, the custodian of records will transmit a copy of the record by United States mail, other delivery service, facsimile or electronic mail. Transmission will occur as soon as practicable but no more than three (3) business days after the district's receipt of payment, or making arrangements to receive such payment.

4. Inspection of any public record shall take place in an area designated by the district's custodian of records and shall occur in a manner that will not be disruptive to district operations. District employees may be assigned to monitor any inspection of public records.
5. If the district does not have facilities for making a copy of a record that a person has the right to inspect, the person shall be granted access to the record for the purpose of making a copy. The copy shall be made under the supervision of the custodian of records or designee. When practical, the copy shall be made in the place where the record is kept but if it is impractical to do so, the custodian may allow arrangements for the copy to be made at another facility.

District responsibilities

The district has no duty to create a public record that does not already exist.

If the district stores the public record in a digital format, the district must provide a copy of the record in a digital format. Public records stored in a searchable format must be provided in a searchable format and public records stored in a sortable format must be provided in a sortable format. However, public records do not need to be provided in a searchable or sortable format if any of the following exceptions apply:

- a. producing the record in the requested format would violate the terms of a copyright or licensing agreement;
- b. producing the record in the requested format would result in the release of third-party proprietary information;
- c. after making reasonable inquiries, the records custodian determines that:
 - (1) it is not technologically or practically feasible to permanently remove information that the district is required or permitted to withhold;
 - (2) it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format;
 - (3) producing the record in a searchable or sortable format would require the purchase of software, or the creation of additional programming or functionality in existing software, to remove information the district is required or permitted to withhold.

Fees

1. The fee for copying public records will be \$0.25 per page unless actual costs exceed that amount.
2. Mailing costs will be charged to the requesting party; however, no transmission fee will be charged for transmission via electronic mail.
3. The first hour of staff time researching and retrieving requested records is provided at no charge. If a records request requires more than mere retrieval of records, such as manipulation of data requiring technical expertise to synthesize or legal expertise from attorneys, the district will charge the requestor for such costs, in accordance with the guidelines below. Any costs charged to a requestor shall not exceed the actual cost of producing the records.
4. Prior to producing requested records, the district will provide an estimate of the costs of production to the requestor. If the requestor does not wish to pay the fees, the district can provide the requestor with information on how the request can be modified to reduce or eliminate the fees. After a requestor has agreed to the costs of production, the district will keep the requestor informed if any additional costs are anticipated and will not incur any additional costs without the requestor's consent. After producing the requested records, the district will provide an invoice to the requestor. Costs must be paid in full before records are released.
5. The district will charge for the actual costs of a request based on the following guidelines:

Type of Request	Actual Costs Based on the Below Rates
Records	\$0.25 per page for all documents photocopied, unless actual costs exceed that amount
Requests that require more than one hour of staff time for retrieval of records	\$33.58 per hour, after the first hour
Requests that require more than mere retrieval of records, such as manipulation of data requiring technical expertise to synthesize or legal expertise from attorneys	Hourly rate of staff member (based on actual salary divided by annual hours), attorney billable hourly rate, or contractor hourly rate, as applicable

Denial of access and dispute resolution

1. If the district denies a request for access to district records and the person requesting the records asks for a written statement of the grounds for denial, the district shall provide a written statement to the person, citing the law or regulation under which the district denied access.
2. A person denied access to district records may seek a court order compelling disclosure.
3. Before seeking a court order, the person must provide written notice to the records custodian at least 14 days before filing an application in court.
4. During the 14-day period, the records custodian shall meet in person or communicate on the telephone with the person denied access to district records to determine if the dispute may be resolved without court involvement.
5. Any common expense necessary to resolve the dispute shall be apportioned equally between the person requesting the records and the district, unless the district and person agree to a different method of allocating the costs.

In addition to the procedures contained in this regulation, the district may develop further procedures governing the inspection, copying and transmission of its records as it deems necessary to protect its records and prevent unnecessary interference with district staff responsibilities and district operations.

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St. Vrain Valley School District RE-1J, Longmont, Colorado